

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference MNETEC.007VP	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/US2008/056277	International filing date (day/month/year) 07/03/2008	(Earliest) Priority Date (day/month/year) 06/04/2007
Applicant MAGNETECS, INC.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 7 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed
☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6b/s(a)).

c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box No. II)

3. ☐ **Unity of invention is lacking** (see Box No. III)

4. With regard to the **title**,

- ☒ the text is approved as submitted by the applicant
☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

- ☒ the text is approved as submitted by the applicant
☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority

6. With regard to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. 4
☒ as suggested by the applicant
☐ as selected by this Authority, because the applicant failed to suggest a figure
☐ as selected by this Authority, because this figure better characterizes the invention
b. ☐ none of the figures is to be published with the abstract

INTERNATIONAL SEARCH REPORT

International application No
PCT/US2008/056277

A. CLASSIFICATION OF SUBJECT MATTER
INV. A61B5/06

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
A61B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2006/116634 A1 (SHACHAR YEHOASHUA [US]) 1 June 2006 (2006-06-01) paragraphs [0021], [0023], [0024], [0074], [0151] figures 13A, 13B, 14, 16, 19, 20, 19A, 20A	1-6, 8, 12, 13, 15-25
X, P	WO 2007/100559 A (MAGNETECS INC [US]) 7 September 2007 (2007-09-07) paragraphs [0019], [0025], [0032] - [0034], [0057] claim 17 figures 1, 6A, 6B ----- -/--	1, 7, 12-19, 21-25

☒ Further documents are listed in the continuation of Box C.

☒ See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

7 November 2008

Date of mailing of the international search report

18/11/2008

Name and mailing address of the ISA/

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040,
Fax: (+31-70) 340-3016

Authorized officer

Worms, Georg

INTERNATIONAL SEARCH REPORT

International application No

PCT/US2008/056277

C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2005/004449 A1 (MITSCHKE MATTHIAS [DE] ET AL) 6 January 2005 (2005-01-06) paragraphs [0023], [0025], [0029]; figures 1-3 -----	9,10
X	DE 10 2005 045073 A1 (SIEMENS AG [DE]) 22 March 2007 (2007-03-22) paragraphs [0011], [0012], [0023], [0024]; figure 1 -----	9,10
A	US 2005/096589 A1 (SHACHAR YEHOSHUA [US]) 5 May 2005 (2005-05-05) the whole document -----	1-8, 12-25

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box II.1

Claims Nos.: 11

Rule 39.1(iv) PCT - Method for treatment of the human or animal body by surgery; In order to carry out the method of claim 11 a surgical step would be necessary to introduce the invasive medical device into a patient. Hence, the method of claim 11 entails an implicit surgical step and is therefore not allowable.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2008/056277

Box No. II Observations where certain claims were found unsearchable (Continuation of Item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: 11
because they relate to subject matter not required to be searched by this Authority, namely:
see FURTHER INFORMATION sheet PCT/ISA/210
2. ☐ Claims Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

see additional sheet

1. ☒ As all required additional search fees were timely paid by the applicant, this international search report covers allsearchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fees, this Authority did not invite payment of additional fees.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.
- ☐ The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified in the invitation.
- ☒ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/SA/ 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-8, 12-25

directed to a method and apparatus for determining the position and orientation of an invasive medical device

2. claims: 9,10

directed to a method for correlating a fiducial alignment with a medical device position detection system

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No

PCT/US2008/056277

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2006116634 A1	01-06-2006	AU 2003249273 A1	02-02-2004
		CA 2493869 A1	22-01-2004
		CN 1681448 A	12-10-2005
		EP 1521555 A1	13-04-2005
		JP 2005532878 T	04-11-2005
		WO 2004006795 A1	22-01-2004
		US 2006116633 A1	01-06-2006
		US 2006114088 A1	01-06-2006
		US 2004019447 A1	29-01-2004
WO 2007100559 A	07-09-2007	EP 1986560 A2	05-11-2008
		US 2007197891 A1	23-08-2007
US 2005004449 A1	06-01-2005	CN 1550221 A	01-12-2004
		DE 10322739 A1	23-12-2004
DE 102005045073 A1	22-03-2007	CN 1939217 A	04-04-2007
		JP 2007083050 A	05-04-2007
		US 2007083108 A1	12-04-2007
US 2005096589 A1	05-05-2005	CA 2542863 A1	12-05-2005
		EP 1691860 A2	23-08-2006
		JP 2007512855 T	24-05-2007
		US 2008027313 A1	31-01-2008
		WO 2005042053 A2	12-05-2005